IN THE HIGH COURT OF JUDICATURE OF BOMBAY

CIVIL APPELLATE JURISDICTION

CONTEMPT PETITON NO.70 OF 2006

Shri Shivajirao Kale .. Petitioner

versus

Junnar Taluka Shivner Shikshan

Prasarak Mandal & ors. .. Respondents

...

Mr.Vilas B. Tapkir for the petitioner.

Mr.V.A. Thorat Sr.Counsel with Smt.Anita Agarwal for respondent no.1.

CORAM : D.G. KARNIK, J

DATED : 24th August 2006.

P.C.:

1. Heard learned counsel for the petitioner and the respondent.

2. This Contempt Petition has been filed alleging

that the resolution no.7 passed by the respondent no.1 trust in its meeting dated 17th July 2005 amounts to breach of the order of the Dy. Charity Commissioner dated 24th June 2005 and therefore, amounts to contempt of the court.

3. It appears that there were disputes about the membership of the respondent no.1 trust. The dispute was decided by the Dy.Charity Commissioner by his order dated 24th June 2005. He held that persons mentioned at Sr. nos.1 to 184 of the list were the members and were entitled to vote. As regards the remaining 64 persons, he ordered Inspector Mr.Pawar should hold an enquiry to find out and report whether they were lawfully enrolled as members within the prescribed period and whether membership fee was received from them.

4. Aggrieved by the said decision, the respondent no.1 passed a resolution no.7. Paragraph no.1 of the resolution states that the decision of the Charity Commissioner is not acceptable to the trust and therefore, the trust should file an appeal. Paragraph no.2 states the grounds on which the appeal should be filed.

5. In my view, passing of a resolution that an appeal should be filed and recording of the grounds on which the appeal should be filed can in no way be regarded as breach of the order of the Dy. Charity Commissioner. It is worthwhile to note that in accordance with the said resolution, Writ Petition was filed and the order of the Dy. Charity Commissioner has been set aside by this Court.

4. In the circumstances, there is no merit in the Contempt Petition which is hereby dismissed. The petitioner shall pay costs of Rs.100/- to the respondent no.1.

(D.G. KARNIK, J)